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Attorney Docket: 030356
U.S. Application No. 10/720,892 Examiner Nelson Art Unit 2109
Response to January 9, 2008 Final Office Action

REMARKS

In response to the final Office Action dated January 9, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 2-23 are pending in this application.

Rejection of Claims 5-12, 15 & 23

The Office rejected claims 5-12, 15, and 23 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 5,862,471 to Tiedemann, Jr., *et al.* in view of U.S. Patent 7,043,225 to Patel, *et al.* and further in view of U.S. Patent Application Publication 2002/0087674 to Guilford, *et al.*

Claims 5-12, 15, and 23, however, cannot be obvious over *Tiedemann* with *Patel* and *Guilford*. These claims recite, or incorporate, features that are not disclosed or suggested by the proposed combination of *Tiedemann*, *Patel*, and *Guilford*. Independent claim 12, for example, recites "*linearly predicting whether the user will pay on-time and in-full for the requested communications service based on a determination whether the user timely paid in-full for previous communications services.*" Independent claim 12 also recites "*if a determination is made that the user will pay on-time and in-full for the requested communications service, then negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service*" and "*if a determination is made that the user will not pay on-time and in-full for the requested communications service, then declining to fulfill the request for the communications service.*" Support for these features may be found at least in the as-filed specification at paragraphs [0023] and [0030]. For the Examiner's convenience, independent claim 12 is reproduced below, and independent claims 15 and 23 recite similar features.

[c12] A method of providing communications services, comprising:

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sending a request for communications service, the request for communications service originating from a user's client device, the request for communications service communicating via a communications network to a service provider;

linearly predicting whether the user will pay on-time and in-full for the requested communications service based on a determination whether the user timely paid in-full for previous communications services;

if a determination is made that the user will pay on-time and in-full for the requested communications service, then negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service;

accessing a segmentation profile containing user preferences for presenting billing charges from the other service providers of the other communications networks; and

if a determination is made that the user will not pay on-time and in-full for the requested communications service, then declining to fulfill the request for the communications service.

Tiedemann, Patel, and Guilford do not obviate all these features. *Tiedemann* provides roaming mobile users with notice of roaming expenses. See U.S. Patent 5,862,471 to *Tiedemann, Jr., et al.* at column 2, lines 1-8. *Guilford* discloses an algorithm for a wireless device that chooses networks. See U.S. Patent Application Publication 2002/0087674 to *Guilford, et al.* at paragraph [0047]. The algorithm analyzes various parameters and directs the wireless device to switch to another service provider's network. See *id.* at paragraph [0062]. The parameters may include quality of service, cost of service, network load, coverage, and signal strength. See *id.* at paragraphs [0063] through [0068]. *Guilford* also explains that a service provider may request offers from other service providers for processing a service request. See *id.* at paragraph [0097]. The wireless customer's service provider may accept bids from other service providers. See *id.* at paragraph [0103]. *Patel* describes a "bandwidth" broker or provider that intelligently brokers bandwidth in a cellular network. See U.S. Patent 7,043,225 to *Patel, et al.* at column 5, lines 60-67. The bandwidth providers receive requests directly from consumers and broadcast the request to network providers. See *id.* at column 6, lines 5-8. The bandwidth provider receives and evaluates the responses from the network providers. See *id.* at column 6, lines 8-10. A consumer response is generated that may include several offers from

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different network providers. *See id.* at column 6, lines 11-14. The consumer response may also include open terms for further negotiation by the consumer. *See id.* at column 6, lines 14-15.

Even so, *Tiedemann, Patel, and Guilford* do not obviate independent claims 12, 15, and 23. No where, for example, do *Tiedemann, Patel, and Guilford* teach, suggest, or even contemplate “*linearly predicting whether the user will pay on-time and in-full for the requested communications service based on a determination whether the user timely paid in-full for previous communications services.*” The proposed combination of *Tiedemann, Patel, and Guilford*, then, cannot obviate independent claims 12, 15, and 23.

Moreover, the Assignee cannot agree with the Office’s interpretation of “billing charges.” The Office asserts that it is “old and well known” to provide billing preferences for communications services. The Assignee cannot agree. Independent claims 12, 15, and 23 recite “accessing a segmentation profile ... containing user preferences for presenting billing charges from the other service providers of the other communications networks” (emphasis added). Even if the Office asserts that billing preferences are “old and well known,” this is not what is claimed. The Office must show that preferences are already known for billing charges from other service providers. Because the Office’s interpretation of this claimed feature is mistaken, the Assignee cannot agree.

Claims 5-12, 15, and 23, then, cannot be obvious over *Tiedemann, Patel, and Guilford*. Independent claims 12, 15, and 23 recite features that are not taught or suggested by *Tiedemann, Patel, and Guilford*. The dependent claims 5-11 incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 5-12, 15, and 23 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 2-4

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The Office rejected claims 2-4 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann* and *Patel* and further in view of U.S. Patent 6,058,301 to Daniels. Claims 2-4, however, depend from independent claim 12 and, thus incorporate the same distinguishing features. As the above paragraphs explained, *Tiedemann*, *Patel*, and *Guilford* fail to disclose or suggest “*linearly predicting whether the user will pay on-time and in-full for the requested communications service based on a determination whether the user timely paid in-full for previous communications services.*” The combined teaching of *Tiedemann*, *Patel*, and *Guilford* also fails to teach or suggest “*accessing a segmentation profile ... containing user preferences for presenting billing charges from the other service providers of the other communications networks*” (emphasis added).

Daniels does not cure these deficiencies. *Daniels* describes roaming privileges that reduce fraudulent roaming charges. See U.S. Patent 6,058,301 to Daniels at column 2, lines 19-21 and at lines 65-67. *Daniels* explains that subscribers with “bad credit histories” may be prevented from roaming. *Id.* at column 4, lines 63-66. Frequent roamers with an established credit history may be allowed to roam. See *id.* at column 5, lines 1-5. Other subscribers may need to be authenticated. See *id.* at column 5, lines 10-13.

Even so, *Tiedemann*, *Patel*, *Guilford*, and *Daniels* do not obviate claims 2-4. The proposed combination of *Tiedemann*, *Patel*, *Guilford*, and *Daniels* fails to disclose or suggest “*linearly predicting whether the user will pay on-time and in-full for the requested communications service based on a determination whether the user timely paid in-full for previous communications services.*” Moreover, the combined teaching of *Tiedemann*, *Patel*, *Guilford*, and *Daniels* does not teach or suggest “*extending trust-based credit to the user based upon an algorithm in which the user’s historical payment information, the user’s historical usage information, and the user’s credit card information are variables,*” claim 2 recites. The proposed combination of *Tiedemann*, *Patel*, *Guilford*, and *Daniels* also fails to disclose or suggest “*emphasizing a component of the algorithm with a weighting factor,*” claim 3 recites. One of ordinary skill in the art, then, would not think that claims 2-4, which depend from

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independent claim 12, are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 13-14, 17-18 & 21-22

The Office rejected claims 13-14, 17-18, and 21-22 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann* in view of *Patel*.

Claims 13-14, 17-18, and 21-22, however, are not obvious over *Tiedemann* and *Patel*. These claims recite, or incorporate, features that are not disclosed or suggested by the proposed combination of *Tiedemann* and *Patel*. Independent claim 13, for example, recites "*recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented.*" Support for such features may be found at least at paragraph [0013] of United States Application No. 10/720,949 (Attorney Docket 030347), which was incorporated by reference. Independent claim 13 also recites "*when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service.*" Support for such features may be found at least at paragraph [0023] of United States Application No. 10/720,941 (Attorney Docket 030006), which is incorporated by reference. The new segment is dispersed and a result of the processing service is received. Support for such features may again be found at least at paragraph [0023] of United States Application No. 10/720,941. For the Examiner's convenience, independent claim 13 is reproduced below, and independent claims 21 and 22 recite similar features.

[c13] A method of providing communications services, comprising:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider;

negotiating, at the user's client device, with other service providers of other communications networks to fulfill the request for communications service;

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receiving a data stream to fulfill the request;
recursively segmenting the data stream into segments, such that a characteristic of a preceding segment determines how a current segment is segmented;
when a processing service is required, then grouping together individual packets of data as a new segment, each of the individual packets in the new segment requiring the processing service;
dispersing the new segment via a network to receive the processing service;
receiving a result of the processing service;
assembling formatted data comprising the result of the processing service and at least one of the recursively segmented segments; and
communicating the formatted data to fulfill the request for communications service.

The proposed combination of *Tiedemann* and *Patel* does not obviate all these features. *Tiedemann* and *Patel*, quite simply, are silent to many of these features, and the dependent claims incorporate these same features. One of ordinary skill in the art, then, would not think that claims 13-14, 17-18, and 21-22 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 16 under § 103

The Office rejected claim 16 under 35 U.S.C. § 103 (a) as being obvious over *Tiedemann*, *Patel*, *Guilford*, and *Daniels*. Claim 16, however, depends from independent claim 13 and, thus incorporates the same distinguishing features. The proposed combination of *Tiedemann*, *Patel*, *Guilford*, and *Daniels* is, quite simply, silent to many of these features. One of ordinary skill in the art, then, would not think that claim 16 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of claim 16.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
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